

LEGISLATIVE COUNCIL.

IMBECILE PASSENGERS.

THIS Bill consolidates the existing law for preventing the introduction of imbecile persons into the colony.

The duties formerly devolving upon the Superintendent of a province are now performed by the Governor, or some officer appointed by him. We suggest that the Collector of Customs at the port where any ship arrives should take the necessary action to see that the Act is carried into effect. He would, of course, do this upon the report of a Health Officer at the port of arrival; but it seems unnecessary to make any specific enactment as to this duty.

In clauses 3 to 8 inclusive the changes made are indicated in italic type. It is submitted they involve no material alteration in the law, and are only such as give effect to our suggestion or have become necessary by reason of the abolition of provinces.

In clause 10 attention is called to an ambiguity in the existing Act of 1873 (section 5). The provision is to the effect that if the owner, &c., of a ship in which a passenger has been carried, and in respect of whom a certificate has issued, refuses to execute the required bond, he shall be liable to a penalty not exceeding £100; and the section goes on to state that such penalty shall be in addition to his *liability under the bond*. As a matter of fact no bond has then been given, and we suggest that the words in erased type be omitted, and the words in italic type inserted, as being in accordance with the intention of the Legislature. Especial attention is called to this clause, as it is of a highly penal character.

Clause 12 makes penalties recoverable before two or more Justices of the Peace.

Clause 13 repeals the three existing Acts, with a saving clause.

A. J. JOHNSTON.
W. S. REID.

[STATUTES REVISION COMMISSION.]

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
28th July, 1882.

IMBECILE PASSENGERS.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate and amend the Law respecting the Introduction of Imbecile Persons into the Colony.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Imbecile Passengers Act, 1882." Short Title.
2. In this Act, if not inconsistent with the context,— Interpretation.
 "Collector" means the Collector, or other principal officer, of Customs at the place or port where any ship subject to the provisions of this Act shall arrive:
10. "Passenger" includes all passengers by any ship, and also the crew of any ship, and all persons on board and belonging in any capacity to any ship: 1873, No. 70, s. 2.
1879, No. 39, s. 3.
15. "Ship" includes any British or foreign navigable vessel of any kind carrying passengers, except vessels plying from any one port in the colony to any other port therein.
20. 3. If the Collector shall certify that any passenger shall have arrived in New Zealand on board any ship being either lunatic, idiotic, deaf, dumb, blind, or infirm, and likely in his opinion to become a charge upon the public or upon any public or charitable institution, the Collector shall require the owner, charterer, or master of such ship, within fourteen days after her arrival, to execute a bond to Her Majesty in the sum of one hundred pounds for every such passenger. Bond to be given for passengers lunatic, &c.
1873, No. 70, s. 3.
1875, No. 93, s. 2.
25. 4. Every such bond shall be entered into with at least two sufficient sureties, and the person giving such bond and his sureties shall be bound jointly and severally to pay to the Colonial Treasurer all moneys or expenses which shall or may be laid out or incurred within the space of five years from the execution of the said bond for the maintenance or support of such passenger by or in any public or charitable institution in New Zealand. Conditions of bond.
Ibid.
30. The said sureties shall justify before and to the satisfaction of the Collector, and shall by their oath or affirmation satisfy him, that they are respectively residents in New Zealand, and each worth treble the amount of the penalty of such bond, over and above all their liabilities.

Provision as to ships
quarantined.
1875, No. 93, s. 3.

5. Whenever any such ship or the passengers by such ship shall have performed quarantine in accordance with any law for the time being in force, then the period within which the owner, charterer, or master shall be required to give such bond shall be within fourteen days after such ship or passengers has or have performed quarantine and been duly discharged therefrom.

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Bond to be applied
to maintenance of
passengers, &c.
1873, No. 70, s. 4.

6. If any passenger for whom any bond shall have been given as aforesaid shall, at any time within five years from the execution thereof, receive maintenance or support from any public or charitable institution in New Zealand, the charges incurred for the maintenance and support of such passenger shall be provided for and repaid as hereinafter provided out of the moneys collected under such bond to the extent of the penalty therein mentioned, or such portion thereof as shall be required for the payment of such maintenance or support.

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Authority in charge
of institution to report
as to forfeiture of
bond.

7. It shall be the duty of the authority or person having the control or charge of such public or charitable institution to ascertain the right and claim of the Colonial Treasurer to payment of the amount so expended for the maintenance and support of any such passenger, and to report the same to him with all such information as may enable the Colonial Treasurer to recover the moneys due.

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Ibid.

Bond may be put in
suit.

8. Every such report shall be conclusive in the matter, and shall be evidence of the facts therein stated; and every such bond may be put in suit, and the penalty, or as much thereof as shall be required to defray the charges incurred in such maintenance or support, may be recovered on behalf of Her Majesty in the manner provided by "The Crown Suits Act, 1881."

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Ibid.

Payment to institu-
tions maintaining
passengers.

9. All moneys recovered or received under any such bond as aforesaid shall be paid by the Colonial Treasurer to the public or charitable institution by or in which any such passenger may have been maintained or supported as aforesaid.

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Ibid.

Penalty for refusing
to execute bond.
Ib., s. 5.

10. If the owner, charterer, or master of any ship shall neglect or refuse to execute a bond in any case within the provisions of this Act within seven days after being so required as aforesaid, he shall be liable to a penalty not exceeding one hundred pounds in addition to his liability under the said bond [and the payment of such penalty shall not be deemed to exonerate such owner, charterer, or master from being compelled to execute such bond as by this Act provided].

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And such ship shall not, either during or after the expiration of the said period of seven days, be cleared out unless and until the said bond shall have been executed and the said penalty has been paid.

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Act not to extend to
Government immi-
grants, &c.
Ib., s. 6.

11. The provisions of this Act shall not extend to immigrants brought to New Zealand either wholly or partly at the expense of the colony, nor to shipwrecked mariners brought to New Zealand without charge by the master of some other ship than that in which they were wrecked, nor to Her Majesty's land and sea forces.

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Recovery of penalties.

12. All penalties incurred under section ten shall be recoverable in a summary way before any two or more Justices of the Peace.

Repeal of Acts.

13. "The Imbecile Passengers Act, 1873," "The Imbecile Passengers Act Amendment Act, 1875," and "The Imbecile Passengers Act Extension Act, 1879," are hereby repealed.

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Saving.

But such repeal shall not prejudice or affect any bond or other instrument given, executed, or made under the said repealed Acts or any of them, or be deemed to release or discharge any person from any subsisting liability thereunder respectively.